

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-44 are pending in this application. Claims 1-44 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,671,412 to Christiano in view of U.S. patent 5,790,664 to Coley et al. (herein "Coley"). That rejection is traversed by the present response as discussed next.

Initially, applicants note each of the claims is amended by the present response to clarify features recited therein. Independent claim 1 now clarifies the license management apparatus manages a license associated with a service that is provided "from a service offer service unit to a client". Claim 1 also clarifies the license sending section sends the license to the service offer service unit "so that said client is permitted to use the service". Each of the other independent claims is amended similarly as in independent claim 1 and the other claims are amended to be consistent with the amendments to the independent claims. Each of the claims is also amended by the present response to no longer recite any "means plus function" recitations.

Applicants respectfully submit the basis for the outstanding rejection is misconstruing the claims relative to the applied art. Specifically, independent claim 1 recites a license acquisition request receiving section operating for "receiving an acquisition request for the license from said service offer service unit"; the "service offer service unit" providing a service to a client. With reference to Figure 22 in the present specification as one non-limiting example, the service management service device 11 receives an acquisition request for a license from a service offer device 31 (see for example step S81 in Figure 22 as a non-limiting example). That server offer device 31 will then receive a license that will allow a client to use the service 82 that it offers.

With respect to the claimed “license management section” the outstanding Office Action cites Christiano at column 3, lines 20-34. That disclosure in Christiano references a license server, and thus the outstanding Office Action appears to correspond the license server 16 in Christiano to the claimed “license management section”. Independent claim 1 also recites a license acquisition request receiving section for “receiving an acquisition request for the license from said server offer service unit”. With respect to that feature the outstanding Office Action cites Christiano at column 4, lines 35-36. That disclosure in Christiano indicates a client computer system, and thus the outstanding Office Action appears to correspond the client computer 12 in Christiano to the claimed “license acquisition requesting receiving” section. Christiano in Figure 2 also discloses an internal license database 19 connected to the license server, and that database provides a service content, and in the claims the server offer service unit provides a service.

One basis for maintaining the rejection in the Office Action also indicates that in Christiano a “‘service offer device’ can be construed as a client”.¹

In contrast to the above-noted grounds for citing Christiano, in the claims as currently written it is clear that the service offer service unit offers a service to a client. Thereby, a client such as in Christiano clearly can not be a server office service unit. Additionally, the claims clarify that a license management apparatus receives a license acquisition request from a service offer service unit, which indicates that the client in the claims does not receive a license acquisition request. Further, in the claims as written the license management apparatus sends a license not to the client, but to the service offer server service unit. In such ways the claims as written clearly distinguish over Christiano.

¹ Office Action of April 6, 2007, page 2, bottom of “Response to Arguments” section.

Stated another way, in the claims a license request is not sent from a client, but instead is sent from a "service offer service unit" that can offer a service to a client.

Christiano clearly fails to teach or suggest such features.

The Office Action also indicates a server manages licenses and a client is the requester. In the Office Action the requester may be a request or requesting acquisition of a license. Under such circumstances there is a clear inconsistency in the rejection relative to the claims as currently written since the Office Action also indicates a server office device can be construed as a client. If a client is a requester of acquisition of a licensee user service, clearly the client cannot also be regarded as a service offer device.

In such ways, the outstanding rejection is misconstruing the teachings in Christiano relative to independent claims 1, 12, 23, and 34, and thus the rejection based on Christiano to those claims is improper.

The outstanding Office Action also recognizes that Christiano does not disclose the license sending section, and to cure that recognized deficiency in Christiano the outstanding Office Action cites Coley. However, Coley cannot even overcome that recognized deficiency in Christiano.

The outstanding Office Action cites Figure 2 of Coley to disclose sending a license to a service offer device in response to an acquisition request from the license. However, in reviewing Figure 2 of Coley, applicants note that disclosure does not even appear to disclose or suggest that a license is sent to a service offer device.

In view of these foregoing comments, applicant respectfully submits neither Christiano nor Coley disclose or suggest a license acquisition request being sent from a service offer device to a management apparatus, and a license being sent from a license management apparatus to the service offer device in response to the license acquisition

request. Thereby, each of independent claims 1, 12, 23, and 34, and the claims dependent therefrom, are believed to clearly distinguish over Christiano in view of Coley.

With respect to independent claims 9, 20, 31, and 42, those claims similarly distinguish over Christiano in view of Coley. Specifically, independent claim 9 is directed to a service offer apparatus that sends an acquisition request for a license associated with a service to a license management device, and which receives the license from the license management device. Independent claims 20, 31, and 42 recite similar features as in independent claim 9.

Again with reference to Figure 22 in the present specification as a non-limiting example, the service offer device 31 sends an acquisition request for a license associated with the service to the license managing device in the service management device 11, see for example step S81 again as a non-limiting example. The service offer device 31 also receives the license from the license management device, see as a non-limiting example step S82.

Neither Christiano nor Coley disclose or suggest such operations.

As discussed above in Christiano and Coley no acquisition request is sent from a service device that can provide a service to the license server 16. Again in Christiano at most the database 19 would correspond to the service offer device, and clearly the database 19 does not send an acquisition request for a license to the license server 16.

Thereby, independent claims 9, 20, 31, and 42, and the claims dependent therefrom, also distinguish over Christiano in view of Coley.

In view of the present response, applicant respectfully submits the claims as written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

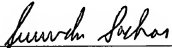
Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 03/06)

JJK:SNS\dt

I:\ATTY\SNS\24'S\245301\245301US-AM1.DOC



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Surinder Sachar
Registration No. 34,423